





**The Below Market Rate Housing Program Administrative
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**City of Sunnyvale
Below Market Rate Housing Program
Administrative Procedures-Chapter III. Rental Program**

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City of Sunnyvale Below Market Rate Housing Program Administrative Procedures

Chapter III. Rental Program

This Section III of the Administrative Procedures of the City of Sunnyvale's Below Market Rate (BMR) Housing Program contains the procedures related to the BMR Rental Housing Program. It is also reprinted as a separate document with the title, "Guide to the BMR Rental Program," and on the City's website at:
<http://sunnyvale.ca.gov/Departments/Community+Development/Housing+Division/Affordable+Housing/>
It contains the procedures for the owners and property management personnel of rental property containing BMR units. Information on program procedures is included for current and prospective renters of BMR units.

These Procedures may be amended and updated from time to time; please refer to the footer date to insure the version of these Procedures is the most current available.

A. Procedures for Renters of BMR Units

Step 1. Determine Eligibility

Income Limits

As stated in Section 19.66.020(d) of the City of Sunnyvale Municipal Code, all BMR units shall be rented only to low or very low income households with incomes at or below 70% of Area Median Income. The income limits that define low and very low income households are updated periodically by the U.S. Department of Housing and Urban Development. **In no case** may a BMR unit be occupied by a renter household that is above the income limits with the exception that tenants occupying BMR units prior to March 1, 2003, are eligible to maintain their occupancy until their household income exceeds 80% of area median income. Only those households having a gross income below the established income limits, adjusted for family size, are eligible to occupy BMR rental units, either upon initial rent-up or upon filling any subsequent vacancy. If a renter household's income increases so that their income exceeds the income limits, they are required to vacate the BMR unit.

Annual Income

The gross annual income of all household members over 18 are considered when determining eligibility.

The definition of what is and is not included in annual income follows the current definition described in the U.S. Code of Federal Regulations and may be located on the website of the U.S. Department of Housing and Urban Development at:
<http://www.hud.gov/offices/cpd/affordablehousing/training/calculator/definitions/part5.cfm>



The following table presents the current Part 5 Annual Income inclusions as stated in the Code of Federal Regulations.

General Category	Statement from 24 CFR 5.609 paragraph (b) (April 1, 1998)
1. Income from wages, salaries, tips, etc.	The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
2. Business Income	Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness cannot be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
3. Interest & Dividend Income	Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in number 2 (above). Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.
4. Retirement & Insurance Income	The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment (except as provided in number 14 of Income Exclusions).
5. Unemployment & Disability Income	Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in number 3 of Income Exclusions).
6. Welfare Assistance	Welfare Assistance: If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of: the amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities, plus the maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph is the amount resulting from one application of the percentage.
7. Alimony, Child Support, & Gift Income	Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
8. Armed Forces Income	All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in number 7 of Income Exclusions).

Income Exclusions

This following table presents the current Part 5 Annual Income exclusions as stated in the Code of Federal Regulations.

General Category	Statement from 24 CFR 5.609 paragraph (c) (April 1, 1998)
1. Income of Children	Income from employment of children (including foster children) under the age of 18 years.
2. Foster Care Payments	Payments received for the care of foster children or foster adults (usually persons with disabilities unrelated to the tenant family, who are unable to live alone).
3. Inheritance and Insurance Income	Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in number 5 of Income Inclusions).
4. Medical Expense Reimbursements	Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
5. Income of Live-in Aides	Income of a live-in aide (as defined in 24 CFR 5.403).
6. Student Financial Aid	The full amount of student financial assistance paid directly to the student or to the educational institution.
7. "Hostile Fire" Pay	The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
8. Self-Sufficiency Program Income	<ul style="list-style-type: none"> a. Amounts received under training programs funded by HUD. b. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside.



	<p>for use under a Plan to Attain Self-Sufficiency (PASS).</p> <p>c. Amounts received by a participant in other publicly assisted programs that are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and that are made solely to allow participation in a specific program.</p> <p>d. Amounts received under a resident service stipend (as defined in 24 CFR 5.609(c)(8)(iv)).</p> <p>e. Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.</p>
9. Gifts	Temporary, nonrecurring, or sporadic income (including gifts).
10. Reparation Payments	Reparation payments paid by a foreign government pursuant to claims under the laws of that government by persons who were persecuted during the Nazi era.
11. Income from Full-time Students	Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household or spouse).
12. Adoption Assistance Payments	Adoption assistance payments in excess of \$480 per adopted child.
13. Family Support Act Income	For public housing only, the earnings and benefits to any family member resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, section 22 of the 1937 Act (43 U.S.C. 1437t), or any comparable federal, state or local law during the exclusion period.
14. Social Security & SSI Income	Deferred periodic amounts from SSI and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts.
15. Property Tax Refunds	Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.
16. Home Care Assistance	Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep this developmentally disabled family member at home.
17. Other Federal Exclusions	<p>Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions of 24 CFR 5.609(c) apply, including:</p> <ul style="list-style-type: none"> ▶ The value of the allotment made under the Food Stamp Act of 1977; ▶ Payments received under the Domestic Volunteer Service Act of 1973 (employment through VISTA, Retired Senior Volunteer Program, Foster Grandparents Program, youthful offender incarceration alternatives, senior companions); ▶ Payments received under the Alaskan Native Claims Settlement Act; ▶ Payments from the disposal of funds of the Grand River Band of Ottawa Indians; ▶ Payments from certain submarginal U.S. land held in trust for certain Indian tribes; ▶ Payments, rebates or credits received under Federal Low-Income Home Energy Assistance Programs (includes any winter differentials given to the elderly); ▶ Payments received under the Main Indian Claims Settlement Act of 1980 (Pub. L. 96-420, 9z Stat. 1785); ▶ The first \$2,000 of per capita shares received from judgments awarded by the Indian Claims Commission or the Court of Claims or from funds the Secretary of Interior holds in trust for an Indian tribe;



	<ul style="list-style-type: none">▶ Amounts of scholarships funded under Title IV of the Higher Education act of 1965, including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs, or veterans benefits;▶ Payments received under Title V of the Older Americans Act (Green Thumb, Senior Aides, Older American Community Service Employment Program);▶ Payments received after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);▶ Earned Income tax credit;▶ The value of any child care provided or reimbursed under the Child Care and Development Block Grant Act of 1990; and▶ Payments received under programs funded in whole or in part under the Job Training Partnership Act (employment and training programs for native Americans and migrant and seasonal farm workers, Job Corps, veteran's employment programs, State job training programs and career intern programs).
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Assets

Assets do not include household furnishings, clothing, vehicles used for daily transportation and the equity in own-occupied property. To ensure that units are rented by low and very low income households, people with assets valued at more than \$100,000 are not eligible for the BMR program.

An asset is a cash or non-cash item that can be readily converted to cash. The value of necessary items such as furniture and vehicles are not included. (Note: it is the income earned – e.g. interest on a saving's account – not the asset value, which is counted towards annual income.) An asset's cash value is the market value less reasonable expenses required to readily convert the asset to cash, including: penalties or fees for converting financial holdings and costs for the sale of real property.

The cash value (rather than the market value) of an item is counted as an asset.

The definition of what is and is not included in assets follows the current definition described in the U.S. Code of Federal Regulations and provided on the website of the U.S. Department of Housing and Urban Development at:

<http://www.hud.gov/offices/cpd/affordablehousing/training/calculator/definitions/treatment/inclusions.cfm>



The following table presents the current Part 5 Asset inclusions and exclusions as stated in the Code of Federal Regulations. [24 CFR Part 5 - April 1, 1998]

PART 5 ANNUAL INCOME NET FAMILY ASSET INCLUSIONS AND EXCLUSIONS

Inclusions

1. Cash held in savings accounts, checking accounts, safe deposit boxes, homes, etc. For savings accounts, use the current balance. For checking accounts, use the average 6-month balance.
2. Cash value of revocable trusts available to the applicant.
3. Equity in rental property or other capital investments. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and all reasonable costs (e.g., broker fees) that would be incurred in selling the asset. Cash value of stocks (including options), bonds, Treasury bills, certificates of deposit and money market accounts.
4. Individual retirement and Keogh accounts (even though withdrawal would result in a penalty).
5. Retirement and pension funds.
6. Cash value of life insurance policies available to the individual before death (e.g., surrender value of a whole life or universal life policy).
7. Personal property held as an investment such as gems, jewelry, coin and button collections, antique cars, etc.
8. Lump sum or one-time receipts, such as inheritances, capital gains, lottery winnings, victim's restitution, insurance settlements and other amounts not intended as periodic payments.
9. Mortgages or deeds of trust held by an applicant.

Exclusions

1. Necessary personal property, except as noted in number 7 of Inclusions, such as clothing, furniture, cars and vehicles specially equipped for persons with disabilities.
2. Interest in Indian trust lands.
3. Assets not effectively owned by the applicant. That is, when assets are held in an individual's name, but the assets and any income they earn accrue to the benefit of someone else who is not a member of the household and that other person is responsible for income taxes incurred on income generated by the asset.
4. Equity in cooperatives in which the family lives.
5. Assets not accessible to and that provide no income for the applicant.
6. Term life insurance policies (i.e., where there is no cash value).



7. Assets that are part of an active business. "Business" does not include rental of properties that are held as an investment and not a main occupation.

U.S. Citizenship or Legal Residency Requirement

The BMR Rental Program requires that the primary applicant of a household wishing to rent a BMR unit be a United States citizen, national, or an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act. Given the very scarce resource of affordable BMR units, it is appropriate to limit the opportunity to those whose status indicates residency of a permanent nature.

Eligible applicants are either:

- a) natural-born or naturalized citizen of the United States of America
- b) eligible non-citizen admitted for permanent residence in the United States of America

Ineligible applicants specifically include, but are not limited to, the holder of a "J-1" Student Visa.

Step 2. Apply to the City for Certification of Eligibility and Documentation of Priority Points

Certification of Eligibility: Income, Assets and Citizenship/Legal Residency

Eligible renters shall submit Form R-3, BMR Renter- Eligibility Information Form, to the City of Sunnyvale Housing Division, together with a nonrefundable filing fee of \$100. Incomplete forms will not be processed.

Within 30 days of submission of a complete BMR Renter Eligibility Information Form, the City will determine if the renter is eligible for BMR rental housing and issue a certificate of eligibility that includes the Priority Points Score that the renter can present to the management of any BMR rental property in Sunnyvale.

The BMR Renter Eligibility Information Form includes information about priority preference points for the BMR Rental Program's Resident Selection Plan. After review of the documentation submitted by the renter to support the priority preferences, the City will issue a Priority Points Score.

During the process of certifying eligibility and remaining on the wait list, applicants who intentionally made false statements or misrepresent the facts will be barred from renting a BMR unit in Sunnyvale in the future.

Documentation of Income: The gross annual income of all household members are considered when determining eligibility. The types of income to be verified and the type of documentation that will be requested include a signed copy of the most recent tax return with all pages and W2s, as well as:



Source of Income	Documentation
Wages, Salaries, Tips, Commissions, etc.	Copies of the last four paychecks or other verification of employment
Business income	Two prior years tax returns or 1 year of returns and verification of income by a certified public accountant or bookkeeper including profit/loss statement and financial statement
Interest and dividend income	Copies of 2 recent statements
Retirement and Insurance Income	Verification
Unemployment & Disability Income	Verification
Welfare Assistance	Verification
Alimony, Child Support and Gift Income	Interlocutory decree which indicates specified payment or proof of non-payment (lien filed)
Armed Forces Income	Copies of the last four paychecks or other verification of employment

Documentation of Assets: The assets of all household members are considered when determining eligibility. All assets over \$5,000 are included in the eligibility determination. The following is the types of assets to be verified and the type of documentation that will be requested:

Liquid Cash Asset	Documentation
Checking Account, Savings Account, Mutual Fund/Money Market Fund, Certificates of Deposit	Copies of two most recent statements indicating deposits, interest rates and balances.
Stocks, including Options	Copy of each stock or option certificate or proof of purchase and statement of current value ; for stock prices attach a copy of recent dated newspaper or online source that shows the value of each company's stocks
Bonds, including Savings Bonds	Copies of each and value.
Real estate property/mobile home owner	Letter from a licensed broker or bank estimating market value of property; most recent loan statement indicating amounts paid and amounts owed, or other documentation as requested.

Other Cash Asset	Documentation
Profit Sharing Plan, IRA and/or 401K, PERS or Other Retirement Account	Copies of two most recent statements indicating deposits, interest rates; documentation stating penalties for withdrawal
Life Insurance	Copy of Policy and two most recent statements
Gift	Gift Letter
Personal Loan	Letter or loan agreement.
Downpayment Assistance Loan from City or Other	Copy of agreement
Individual Development Account Match	Copy of two most recent statements
Other	Verification

Documentation of Citizenship or Legal Residency:



The following are acceptable forms of documentation of U.S. citizenship or legal residency:

- A. Citizens: When an applicant indicates on the application that he/she is a natural-born citizen, the applicant must submit documentation to verify U.S. citizenship i.e. birth certificate or passport. A naturalized citizen must submit a copy of the citizenship certificate granted by the Bureau of US Citizenship and Immigration Services (USCIS) of the United States Department of Homeland Security.
- B. Eligible Non-Citizens: An eligible non-citizen must present any of the following USCIS documents:
 1. Form I-551 – Alien Registration Receipt Card (for permanent resident aliens), or Form I-151, Alien Registration Receipt Card (for permanent resident aliens issued prior to 1979)
 2. Form I-94 – Arrival-Departure Record, with one of the following annotations:
 - a. “Admitted as Refugee Pursuant to section 207”
 - b. “Section “208” or “Asylum”
 - c. “Section 243{h} or “Deportation stayed by Attorney General”
 - d. “Paroled pursuant to Sec 212(d) (5) of the INA”
 3. If Form I-94, Arrival-Departure Record, is not annotated, it should be accompanied by any of the following documents:
 - a. A final court decision, granting asylum (but only if no appeal is taken);
 - b. A letter from an USCIS asylum officer granting asylum (if application filed on or after October 1, 1990);
 - c. A court decision granting withholding of deportation; or
 - d. A letter from a USCIS asylum officer granting withholding of deportation (if application on or after October 1, 1990).
 4. A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and the applicant's entitlement to the document has been verified.

The Resident Selection Plan with Priority Preferences for Rental Unit Tenants

Priority points may be awarded based on the preference characteristic categories in the Resident Selection Plan for determining the priority of an eligible renter on the wait list for a BMR unit as follows:

Preference due to Community Contributions:

- ☐ Reside in Sunnyvale [number of years]
 - ☐ Work in Sunnyvale [number of years]
- [Note: Minimum requirement is to reside or work in Sunnyvale for six months prior to application submittal]

Preference due to Employment

- ☐ City of Sunnyvale employee [number of years]



- ☐ School District employee working in schools with a majority of Sunnyvale residents [number of years]
- ☐ Certified child care teachers working at licensed child care center in Sunnyvale or at child care center operated by school district [number of years]
- ☐ Sunnyvale service industry worker (e.g. mechanic, wait person)
- ☐ Sunnyvale Health Care workers (e.g. home health care aides, staff in convalescent homes and assisted living facilities)
- ☐ Other non-City Public Service employees (e.g. Santa Clara County, State, federal)

Preference due to Housing Characteristics

- ☐ Resident of at-risk assisted unit (within 5 years of Affordability expiration)
- ☐ Resident of BMR rental unit
- ☐ Current or former resident of housing project or mobile home park lost due to redevelopment or conversion
- ☐ Current resident of housing or mobile home park about to be lost due to redevelopment or conversion

Preference due to Household Characteristics

- ☐ Single parent households
- ☐ Number of Children under 12
- ☐ Chronically Ill Persons including those with HIV and Mental illness
- ☐ Disabled
- ☐ Displaced teenage parents (or expectant teenage parents)
- ☐ Homeless or at risk of becoming homeless
- ☐ Seniors (over 55 years old)

Verifiable Documentation to Support Preferences:

The applicant(s) must submit verifiable documentation to support preferences. The following are examples of the preference characteristics and the type of documentation that the city will consider as verifiable proof.

Characteristic	Documentation
Reside in Sunnyvale/number of years	Copies of current and past leases, residential telephone bills for land line at home address, signed tax returns; if no lease agreement is available, a written statement from the landlord or property manager indicating length of time at that address
Work in Sunnyvale/number of years	Copies of paycheck(s), IRS W-2s or 1099 forms, Employment verification statement(s) from Human Resources
City of Sunnyvale employee/number of years	Copy of Paycheck; statement from Human Resources re tenure
School District employee working in schools with a majority of Sunnyvale residents	Copy of Paycheck, W-2s from past years and letter from employer
Certified child care teachers working at licensed child care center in Sunnyvale or at child care center operated by school district	Copy of Paycheck, W-2s from past years and letter from employer



Sunnyvale service occupation worker, an employee in a service occupation in a business engaged in providing personal services, rather than tangible objects, (such as mechanics, car washer, wait person)	Copy of Paycheck and letter from employer
Sunnyvale health care workers (e.g. home health care aides, staff in convalescent homes and assisted living facilities)	Copy of Paycheck and letter from employer
Resident of at-risk assisted unit (within 5 years of Affordability expiration)	List of affected Sunnyvale properties in Appendix O-12; Proof of residency
Resident of BMR rental unit	Statement from Rental Property Manager
Resident of housing project or mobile home park lost or about to be lost due to redevelopment or conversion	Proof of residency in an affected site
Single parent households	Signed tax return
Number of children under 12	Birth certificates of children; custody decree from divorce if applicant is divorced
Chronically Ill Persons including those with HIV and mental illness	Letter from physician in specialty of type of illness claimed; evidence of SSI
Disabled	Federal/State ID card, evidence of SSI
Displaced teenage parents (or expectant teenage parents)	Medical proof of pregnancy
Homeless or at risk of becoming homeless	Documentation from homeless services agency
Seniors (over 55 years old)	Birth certificate, driver's license, passport

In the case of co-applicants, priority points for the number of years are assigned according to the maximum points from one applicant or the other, not as a total or in combined average. For example, if one applicant had lived in Sunnyvale for six years and the other applicant for four years, priority points would be assigned for six years, not for ten years (the total) and not for five years (their average).

Step 3. Apply to Wait List at Housing Developments with BMR Rental Units

The City maintains a current list of properties, on its website, that are required to provide BMR rental units.

After the renter receives the Certification of Eligibility with Preference Points Score, the renter may contact any BMR rental housing development in Sunnyvale and apply to the BMR wait list at that housing development. The total number of preference points will determine the applicant renter's position on the individual complexes' wait list. Property managers will continue to accept applications on the wait list until the number of applicants reach four times the total number of BMR units in the development. When that number is reached, the wait list may be closed until January 1 of the following year. The property manager will be required to fill available BMR units with applicant renters certified to be eligible and taken in ranking order



from the wait list. At each property, the BMR applicant renter will be required to complete a standard rental application.

Household Composition

A household is comprised of one or more persons who may or may not be related. Every person who is on the lease (a lessee), must live in the unit, must go through every step of the eligibility process, and must agree to comply with the program requirements. A child will be considered part of the household when the child lives with a single parent for at least 75% of the time or in instances of joint custody, at least 50%.

Household Eligibility for Units According to Number of Bedrooms

The number of people declared to be in the household and their age, gender and familial relationships will be considered by the City in order to determine the specific number of bedrooms in the unit each household will be eligible to rent. The maximum number of people in the unit is twice the number of bedrooms plus one. Households may be considered for unit sizes according to the following:

Unit Size (bedroom)	Minimum Household Size	Maximum Household Size
One	1	3
Two	2	5
Three	3	7
Four	4	9

The City will review the composition of each household to determine the appropriate number of bedrooms for that household. Applicants may state whether they are willing to accept a unit with fewer bedrooms than the unit size they are eligible for, so that households, who are eligible for larger units than may be available, may be housed.

Unit Size and Household Size: Due to the limited availability of BMR rental units, renters shall be allocated the smallest size unit appropriate for their household size; for example, a single person household generally would not be assigned to a two bedroom unit.

Step 4. While on the Wait List

Wait List and Occupancy Procedures

The property manager at each rental development with BMR units will maintain a wait list of eligible BMR applicant renters and maintain the wait list in accordance with the priority preference points in the Resident Selection Plan. The wait list must be used to fill all available BMR units. When a BMR unit becomes available, the property manager will contact households on the wait list in priority order. If an applicant is not interested, the next prospective renter on the wait list will be contacted until a prospect is reached. After contacting a prospective renter about three different units, the prospect will be dropped from the wait list if they have not leased a unit offered. **Employees of the property owner or property management firm, including onsite managers, are not eligible to occupy BMR units at their sites owned or managed by the employer.**



Property managers will contact households on the Wait List annually to request submission of a BMR Renter Annual Re-certification form (R-4). If the form is not returned within 30 days, the household will be removed from the Wait List. Prospective BMR renters must keep the property manager informed about their current mailing address, telephone contact information, and change in the applicant's place of employment, household composition, or any substantial increase of income that may affect the applicant's eligibility to remain on the Wait List.

Step 5. Renting a Unit

Eligibility Certification

The certification issued by the City is valid for one year from the date of certification.

Rents

Maximum base rents for newly constructed BMR units are calculated according to a formula approved by the City Council. Annually, rent increases and decreases are monitored for compliance with City guidelines to maintain affordability of the BMR units. The occupants are responsible for the payment of all rents on a timely basis. Any dispute between the occupant and property owner for non-payment of rents shall be resolved by the parties in accordance with State law. The City is not the arbiter of such disputes.

Inclusive Fees and Utilities: BMR renters may be charged the following utilities and fees in addition to the rents: water, sewer, garbage and parking. The additional charges must be clearly stated in the lease and all non-BMR units throughout the complex must be required to pay the same additional charges.

Lease Requirements and Restrictions

Leases of BMR units may not be month to month; they must have a minimum term of one year. The BMR Property Owner and/or Manager shall attach to every lease the BMR Lease Addendum (Form R-5).

Changes in Occupancy

If an additional occupant (roommate, family member, etc.) moves into the unit for a period in excess of 30 days, he/she will be considered part of the BMR household, however they may not, in any instance, be added to the lease as a lessee. The BMR renter must notify the property manager. The entire household (including the new occupant) will be evaluated to determine income eligibility, during annual certification.

The original lessee shall occupy the unit during the term of the lease. Subletting or substitution by the original lessee is NOT permitted. In the event that the original lessee(s) fail(s) to occupy a unit for a period in excess of 60 days, the lease shall automatically terminate and all other occupants must vacate the unit within 30 days of written notice by the property manager.

Annual Re-Certification of Renter's Occupancy and Income

The eligible household members who are lessees of a BMR unit must continue to occupy the unit.



At least once a year, the property owner/manager will obtain a Certification from the renters of BMR units (the original lessee(s) and any other occupant(s)) on Form R-3 that:

- (1) They occupy and have continuously occupied the BMR unit, and
- (2) They are income eligible for the BMR program.

The certification must include verifiable documentation of income as described in the Certification instructions.

If the BMR Renter fails to provide the Certification to the Property Owner/Manager within thirty (30) days of the written request for the certification, then the lease shall automatically terminate, and the renter must vacate the unit within thirty (30) days of written notice from the property owner/manager.

BMR renters occupying units prior to March 1, 2003 are limited to 80% of area median income.

BMR renters with gross annual incomes that exceed 70% of Area Median Income levels for Santa Clara County, as modified from time to time and adjusted for family size, will no longer qualify for the BMR rent. The property owner/manager shall give each renter 30 days written notification advising the renter should they no longer qualify for a BMR unit. The rent on the unit thereafter will be at market rate as determined by management, but shall not exceed the rents for comparable market rate units in the development.

In order for the renter to remain in the BMR unit they currently occupy at the increased market rent, the property owner/manager must immediately designate another comparable unit as a BMR unit to be leased under the controlled rental price and requirements of the BMR program. If the property owner/manager is unable to designate another comparable BMR unit within 30 days, then the tenant will be required to vacate the BMR unit. Management must notify the City of Sunnyvale Housing Division of the BMR renter's increase in income, whether the renter will occupy the unit at market rent, and the designation of a BMR replacement unit. The replacement unit must be rented to a qualified BMR tenant in accordance with these guidelines. This process is summarized as follows:

When Tenants Become Over Income	
30 days prior to termination of lease	Manager requires Annual Certification of Eligibility
Lease terminates	Renter submits Certification: - Renter is income eligible, lease renewed -or- - Renter is over income for BMR unit; then either,
Renter is over income, lease on BMR unit terminates	A substitute BMR unit is available, Manager gives 30 days notice that the renter will sign a new lease at market rent
Renter is over income, lease on BMR unit terminates	A substitute BMR unit is not available, Tenant moves out of unit within 30 days.



B. Responsibilities and Requirements of BMR Property Owners and Managers

The owners and managers of each rental development with BMR units are required to administer the BMR units in accordance with Section 19.66 of the Sunnyvale Municipal Code and these Administrative Procedures. The property owner and the designated property manager are equally responsible for administering these Administrative Procedures. City staff is available to assist owners and managers, and to provide information concerning implementation of these procedures.

Development Agreement

The BMR Administrative Procedures for Developers, describes in detail the development process for housing developments with BMR rental units. Development permit applications (e.g. Use permits, Special Development Permits, or subdivision map) submitted to the City for approval of residential construction projects of nine or more dwelling units as described in Section 19.66.010 shall contain an attachment, "BMR Standard Permit Conditions form" in order to ensure the following is specified in the development permit application:

- the number of BMR units
- the initial rent amount of the BMR units
- the bedroom composition of BMR units
- the designated BMR units

In order for a development permit application to be complete, the developer must submit the "BMR Standard Permits Condition."

On or before a building permit is issued by the City, the Developer shall provide the City the signed and notarized BMR Agreement for recordation on the property. The Agreement is a condition of approval in the development permit. The "Standard Permit Conditions" as agreed by the Developer and Housing Officer are incorporated into an "Agreement for BMR Rental Housing Development" signed by the Developer and the City and recorded, prior to the City issuing the building permit. The Developer and the City agree on the location of specific BMR units, as identified in the map recorded with the Agreement

Final approvals or Certificate of Occupancy for any portion of the development shall not be issued until the City has recorded the controls contained in the Deed of Trust on the property. After the City has been notified of the BMR Development's estimated completion date it will transmit to the developer the appropriate program restrictions and controls in a Deed of Trust. The Deed of Trust shall be endorsed by the Developer and submitted to the Housing Officer, approved by the City Attorney and recorded with the County Recorder of Santa Clara County. The restrictions in the Deed of Trust will bind the owner and all successors in interest for a 55-year period from the date of recordation.



Rents

As stated in 19.66.040(d), the units must be rented at rents affordable to households at 70% or less of area median income (AMI). The household income is limited to a maximum of 70% AMI.

Initial Rents: The initial rents to be charged at new BMR Rental properties are also described in Part I of the BMR Administrative Procedures for Developers as follows:

Base rents for the BMR units will be established at the time the BMR Development Agreement is recorded. Section 19.66.040(c) states that rental prices of BMR units shall be established at levels affordable to households at 70% or less of area median income. Base rents are calculated utilizing the following methods and the lower rent calculated is the initial base rent:

- a) Initial Rents are calculated based on HUD Area Median Income (AMI) for San Jose Metropolitan Statistical Area as follows: The U.S. Department of Housing and Urban Development (HUD) publishes annual Area Median Income (AMI) data for 1-8 person households, and HUD has determined that 30% of income for housing costs as affordable.

Monthly rents would be equal to 30% of 65% of AMI divided by twelve based upon number of bedrooms (1 bedroom equals two-person household income, 2 bedroom equals three person household income). As an example, if AMI is at \$95,000 for a three person household, the maximum monthly rent for a two bedroom unit would be:

$$\begin{aligned} \$95,000 \times 0.65 &= \$61,750 \times 0.30 = \$18,525 \\ \$18,525 \text{ divided by } 12 \text{ months} &= \$1,543 \text{ per month} \end{aligned}$$

- b) Initial Rents are calculated utilizing the City of Sunnyvale Vacancy and Rent Survey Report published in July (January through June) and January (July through December). The semi-annual report surveys approximately 100 complexes containing approximately 15,000 rental units. The report contains current market median rents per unit size (number of bedrooms). Initial rents for the BMR units are 80% of the median rents as contained in the most recent Vacancy and Rent Survey Report. As an example, if the current report states that median rent for a two bedroom rental is \$1,335, then the base rent would be:

$$\$1,335 \times 0.80 = \$1,068$$

Section 8 Rents: The rent that may be charged to households holding a "Section 8" Certificate or Voucher shall be as established by the Housing Authority of the County of Santa Clara and may differ from the rents established by the City of Sunnyvale.

Adjustments to Rents

The annual change in the BMR rental prices to be charged by applicants or project owners not participating in federal "Section 8" or similar programs shall be either a maximum increase of five percent or the increased percentage of median annual rent based on the Sunnyvale Vacancy and Rent Survey, whichever is less.



The Vacancy and Rent Survey report for January-June is released in July and the report for July through December is released in January. Rents are recalculated from January of the prior year to determine the percentage increase or decrease. Owners will be notified in March of each year of allowable increases or decrease in rents.

Decreased Rents – Economic Downturn

Should median rents decrease by 10% or more annually, based on the Sunnyvale Vacancy and Rent Survey, then BMR rents shall be decreased by that percentage greater than 10% and subsequently by the total percentage of any further consecutive decreases that occur, until median rents, per the Vacancy and Rent Survey, stabilize or increase.

Example:

	BMR Rent	City Median Rent	Median Rent Inc./Dec	Effect on BMR Rent
Year I	\$800	\$1000	---	Set BMR Initial Rent @ 80% of Median Rent
Year II	\$800	\$950	-5%	BMR 0 increase-no decrease
Year III	\$784	\$836	-12%	BMR decrease 2%- 2% over 10%
Year IV	\$745	\$794	-5%	-5% consecutive decrease
Year V	\$782	\$850	+7%	BMR max increase 5%
Year VI	\$821	\$952	+12%	BMR max increase 5%
Year VII	\$837	\$971	+2%	BMR increase 2%
Year VIII	\$845	\$981	+1%	BMR increase 1%

Transfer to Future Buyers

Future owners of the property will abide by all of the administrative procedures and by the conditions in the recorded Agreement and Deed of Trust for the entire 55 year period from date of recordation of the Deed of Trust.

Owner/Manager Certifications

Prior to the execution of the Deed of Trust and the issuance of Certification of Occupancy, the property owner and property manager will sign certifications of receipt of these Administrative Procedures with a statement of intent to manage the BMR units according to these procedures. The Certification Form is attached as Form R-7.

Management of the Waiting List



1. City certifies income eligibility of tenants, assigns preference points and provides list of BMR housing developments.

Applicants interested in renting a BMR unit must first submit Eligibility Information Form (Form R-3) to the City Housing Division, together with a filing fee. The City will review the documentation for income, assets and citizenship and issue a Certificate of Eligibility together with a Priority Points Score to be presented to the property manager. The City will provide applicants a list of housing developments with BMR units.

2. Property Manager Maintains Wait List for BMR Units

Applicants who have obtained their Certificate of Eligibility and Priority Points Score from the City will present copies to the property manager to apply to the BMR wait list at each complex. The renter may also be required to complete a standard rental application form by the property manager.

The wait list applicants will be placed in ranking order according to their maximum priority points and then within the total point score, according to households with the lower per capita income above those with higher per capita income. For example, two applicant households might both receive 8 priority points; a one-person household with \$64,000 income would rank below a four-person household with \$65,000 because the per capita income of the latter is \$16,250 and the former is \$64,000.

Employees of the property owner or property management firm, including onsite managers, are not eligible to occupy BMR units at sites owned or managed by their employer.

The property manager at each rental development with BMR units will maintain a wait list of eligible BMR renters and maintain the wait list in accordance with the priority preference points assigned to each applicant. Property managers will continue to accept applications to the wait list until the number of applicants reaches four times the total number of BMR units in the development. When that number is reached, the wait list may be closed until January 1 of the following year.

The wait list must be used to fill vacancies of BMR units. When a BMR unit becomes vacant, the property owner/manager will contact households on the wait list in priority order. If an applicant is not interested in leasing, the next prospective renter on the wait list will be contacted until a prospect is reached. After contacting a prospective renter and offering three different units, the prospect will be dropped from the wait list after the third refusal.

Managers will contact households on the Wait List annually and request the Annual Certification of Eligibility for Wait List Form (Form R-4). If the form is not returned within 30 days, the household will be removed from the Wait List. Prospective BMR renters must keep the property manager informed about their current mailing address, telephone contact information, and change in the applicant's place of employment, household composition, or any substantial increase of income that may affect the applicant's eligibility to remain on the Wait List.



3. Manager Provides Wait List to City for Audit.

No less often than quarterly on January 2, April 1, July 1 and October 1 the property owner/manager will provide a copy of the most up to date wait list, together with Certification of BMR Wait List Administration (Form R-8) to the City.

Rental of the BMR Unit

Lease Addendum

Leases on BMR units may not be month to month; they must have a minimum term of one year. However, a tenant who is relocating in order to purchase a home through the City's BMR Home Ownership Program may terminate a lease without the penalty with 30 days notice to the manager. The BMR Property Owner and/or Manager shall attach to every lease the Rental BMR Lease Addendum (Form R-5).

Changes in Occupancy

The property owner/manager shall ensure that the original lessee remains in occupancy of the unit during the term of the lease. Subletting or substitution by the original lessee shall NOT be permitted. In the event that the original lessee(s) fail(s) to occupy a unit for a period in excess of 60 days, the lease shall automatically terminate and the property owner/manager shall notify all other occupants to vacate the unit within 30 days of the written notice.

If an additional occupant (roommate, family member, etc.) moves into the unit for a period in excess of 30 days, he/she is then considered part of the existing household. The BMR renter must notify the property manager, however the property manager **may not** add the additional occupant to the lease as a lessee. The entire household's income (including the new occupant) will be evaluated to determine income eligibility, during the annual certification.

Substitution of BMR units

The property owner/manager shall send written notification to the City of any changes in the designation of BMR units within thirty (30) days of such change. BMR renters with household incomes that exceed 70% for Santa Clara County, adjusted for family size, will no longer qualify for the BMR rent. Tenants occupying BMR units prior to March 1, 2003, are eligible to maintain their occupancy until their household income exceeds 80% of area median income. The property owner/manager shall provide the renter a 30 day written notification advising that they no longer qualify for BMR rents and that the rent for the unit will convert to market rate, but not to exceed the rents for comparable market rate units in the development.

In order for the renter to remain in the BMR unit they have occupied while paying the increased market rent, the property owner/manager must immediately designate another comparable unit as a BMR unit to be leased under the controlled rental price and requirements of the BMR program. If the property owner/manager is unable to designate another comparable BMR unit within 30 days, then the tenant will be required to vacate the BMR unit. Management must notify the City of Sunnyvale Housing Division of the BMR renter's increase in income, whether the renter is retaining occupancy in the unit at market rent, and the designation of a BMR replacement unit.



The replacement unit must be rented to a qualified BMR tenant in accordance with these guidelines. This process is summarized as follows.

When Tenants Become Over Income	
30 days prior to termination of lease	Manager requires Annual Certification of Eligibility
Lease terminates	Renter submits Certification: - Renter is income eligible, lease renewed -or- - Renter is over income for BMR unit; then either,
Renter is over income, lease on BMR unit terminates	A substitute BMR unit is available, Manager gives 30 days notice that the renter will sign a new lease at market rent
Renter is over income, lease on BMR unit terminates	A substitute BMR unit is not available, Tenant moves out of unit within 30 days.

Rent Increases

Rent increases are kept within allowable levels. The annual change in the BMR rental prices to be charged by applicants or project owners not participating in federal "Section 8" or similar programs shall be either an increase of five percent or the increased percentage of median annual rent based on the Sunnyvale Vacancy and Rent Survey, whichever is less.

The City will notify the managers of approved rent increases or decreases by March 1 of each calendar year.

Decreased Rents – Economic Downturn

Should median rents decrease by 10% or more annually, based on the Sunnyvale Vacancy and Rent Survey, then BMR rents shall be decreased by that percentage greater than 10% and subsequently by the total percentage of any further consecutive decreases that occur, until median rents, per the Vacancy and Rent Survey, stabilize or increase.

Example:

	BMR Rent	City Median Rent	Median Rent Inc./Dec	Effect on BMR Rent
Year I	\$800	\$1000	---	Set BMR Initial Rent @ 80% of Median Rent
Year II	\$800	\$950	-5%	BMR 0 increase-no decrease
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Year IV	\$745	\$794	-5%	-5% consecutive decrease
Year V	\$782	\$850	+7%	BMR max increase 5%
Year VI	\$821	\$952	+12%	BMR max increase 5%
Year VII	\$837	\$971	+2%	BMR increase 2%



Year VIII	\$845	\$981	+1%	BMR increase 1%
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Continuing Education

The property owner or designated management firm employees must attend continuing education to insure compliance with the program procedures. The City will make available educational programs for the property manager(s) of properties containing BMR units, every two years. The managers of properties developed after March 6, 2003 are required to attend a BMR Rental Management education program prior to the initial leasing of units at the property and every two years thereafter.

Manager Processes Annual Certification of Tenants

Eligible applicants, on the wait list, must sign a lease agreement to occupy a BMR unit and then continue to occupy the unit.

At least once a year 30 days prior to the anniversary of move-in, the property owner or manager will obtain Certifications from the renters of BMR units (each renter/occupant on the lease) on Form R-6 stating that they:

- (1) certify continuous occupancy of the BMR unit, and
- (2) certify continued income eligibility for the BMR program.

The Renter shall submit documentation of income that shall be retained in the Manager's files. It is the manager's responsibility to ensure that income documentation is accurate, complete, and complies with BMR Administrative Procedures for verifiable documentation.

If the BMR Renter fails to provide the Certification and documentation to the property owner/manager within thirty (30) days of the written request for the certification, then the lease shall automatically terminate, become null and void and the renter must vacate the unit within thirty (30) days of written notice from the landlord/owner.

Annual Reports

Annually, on April 1 of each year, the property owner or property manager will report to the City on the status of BMR Rental Units and Renters, using Form R-10, and attach copies of the Renter's Annual Certification forms.

City Audits and Monitoring

The City will conduct periodic field audits at each rental property to verify compliance with BMR Program Administrative Procedures. As stated in Section 19.66.040(a), the City shall have access to the property's records and books pertaining to any unit restricted by the program within (10) working days of notice to the owner or manager. Property managers and owners will make records available to City auditors as requested.

Enforcement

The city may institute any appropriate legal actions or proceedings necessary to ensure compliance herewith, including but not limited to actions to revoke, deny or suspend any permit



or development approval. The city shall be entitled to all attorneys fees arising out of any action or proceeding to ensure compliance.

Any individual who rents a restricted unit in violation of the provisions of this chapter shall be required to forfeit all monetary amounts so obtained. Such amounts shall be added to the city's housing fund.

Retention of Records

Managers shall retain records of BMR tenants to assist with City audits and monitoring.

Changes in Management and Ownership

Property owners and managers shall promptly report transfers of ownership, changes in management companies/agents and on-site managers to the Housing Division.

Master Calendar of BMR Compliance Dates for Managers

Timeframe for Preparation	Action	Form Number	Submission Action To City	Submission Deadline
December	Prepare Quarterly Wait List Certification (Manager)	R-8: Certification of BMR Wait List Administration	Submit Quarterly Wait List Certification and Wait List	January 2
Complete at one year anniversary of lease renewal	BMR tenants to certify occupancy and income (Manager/Tenant)	R-6: Annual Certification of Occupancy and Income R-11 Certification of BMR Renter	Submit copies of Certifications attach to Annual Report	April 1
Complete at one year (and yearly) placement on the wait list	Applicants submit Annual Certification (Applicant)	R-4: Annual Certification of Eligibility for Wait List	Available in files during inspections and audits	--
Rent and Vacancy Survey Report in January	City announces allowable rent increases or decreases	--	--	March 1
March	Prepare Quarterly Wait List Certification (Manager)	R-8: Certification of BMR Wait List Administration by Rental Property Owners	Submit Quarterly Wait List Certification and Wait List	April 1
March	Prepare Annual Report - BMR Rental Units and Renters and Annual Tenant Certifications (Manager)	R-9: Annual Certification, R-10: Property Owner Annual Report R-4: Annual Certification of Eligibility of Wait List	Submit Annual Report on BMR Rental Units and Renters, and Annual Tenant Certifications	April 1
June	Prepare Quarterly Wait List Certification (Manager)	R-8: Certification of BMR Wait List Administration	Submit Quarterly Wait List Certification and Wait List	July 1
September	Prepare Quarterly Wait List Certification (Manager)	R-8: Certification of BMR Wait List Administration	Submit Quarterly Wait List Certification and Wait List	October 1



BELOW MARKET RATE HOUSING DEFINITIONS

Area Median Income: Income eligibility limits are established by the U.S. Department of Housing and Urban Development (HUD). "Area" means metropolitan area or non-metropolitan county (AMI).

"At risk" assisted unit: A unit in an affordable rental housing development with rents restricted to below market and rents under a contract that will expire within five years.

Certified Child Care Teacher: child care worker certified by the State of California and working in a licensed child care center operating in Sunnyvale or at a child care center operated by a school district where the majority of students served are Sunnyvale residents.

Chronically Ill: A person who is determined by a physician to have a serious health condition that is expected to be of a long, continued, and indefinite duration and that severely impairs the person's ability to function [similar to the definition of "disabled"].

Disabled: A person with disabilities means a person who 1) has a disability as defined in Section 223 of the Society Security Act (42 U.S.C. 423), 2) is determined by a physician to have a physical, mental or emotional impairment that is expected to be of long, continued, and indefinite duration, or 3) has a development disability as defined in Section 102 of the Development Disabilities Assistance and bill of Rights Act (42 U.S. C. 6001(5)). The definition of a person with disabilities does not exclude persons who have the disease acquired immunodeficiency syndrome (AIDS) or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome (HIV).

Family: (1) Two or more persons related by birth, marriage, or adoption [Source: U.S. Bureau of the Census]. (2) An individual or a group of persons living together who constitute a *bona fide* single-family housekeeping unit in a dwelling unit, not including a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house or institution of any kind [Source: California Department of Housing and Community Development].

Health Care Worker: Employee providing health care services to people.

Household: All those persons – related or unrelated – who occupy a single housing unit. (See "Family.")

Low Income Household: A household with an annual income no greater than 80 percent of the area median income for the number of people in the household and based on the latest available eligibility limits established annually by the U.S. Department of Housing and Urban Development (HUD).



Moderate Income Household: A household with an annual income between the lower income eligibility limits of 80 percent of the area median family income and 120 percent of the area median family income, as established by the U.S. Department of Housing and Urban Development (HUD).

School District Employee: An employee working in a school where the majority of students served are Sunnyvale residents.

Service Industry Employee: An employee in a service occupation in a non-professional business engaged in providing personal services, rather than tangible objects (such as mechanics, car washer, wait person).

Very Low Income Household: A household with an annual income no greater than 50 percent of the area median family income, based on the latest available eligibility limits established by the U.S. Department of Housing and Urban Development (HUD).



**CITY OF SUNNYVALE BMR RENTAL PROGRAM
CURRENT MAXIMUM INCOMES AND MAXIMUM RENTS
February 1, 2004**

Maximum Income	
Below Market Rate (BMR) Rental Program	
Effective February 1, 2004	
Family Size	Income Limit (70% Area Median Income)
1 person	\$51,730
2 people	\$59,080
3 people	\$66,500
4 people	\$73,850
5 people	\$79,730
6 people	\$85,680
7 people	\$91,560
8 people	\$97,510

Incomes limits revised annually in accordance with HUD standards.

Maximum Rents for Existing Units under program restrictions prior to October 2003

Apartment Size	Rent/Month
Studio	\$1,007
One Bedroom	\$1,151
Two Bedroom	\$1,295
Three Bedroom	\$1,553

Maximum Rents for New Units under program restrictions after October 2003

Apartment Size	Rent/Month
Studio	\$696
One Bedroom	\$800
Two Bedroom	\$1,036
Three Bedroom	\$1,200

Per Report to Council: Sunnyvale Vacancy and Rent Survey, July 20, 2004

Refer also to City website:

<http://sunnyvale.ca.gov/Departments/Community+Development/Housing+Division/Affordable+Housing/Housing+BMR+Rent.htm>

**FORM R-3****CITY OF SUNNYVALE BELOW MARKET RATE RENTAL PROGRAM
ELIGIBILITY INFORMATION FORM**

The information provided on this form will be utilized to determine your eligibility for the Below Market Rate Rental Program. Please provide all of the information and documentation requested. Failure to provide full information, or to provide false information, may result in denial of eligibility.

1. CONTACT INFORMATION**Lessee Name (Print Clearly)**

_____	_____	_____	_____
Last Name	First Name	Initial	
_____	_____	_____	_____
Present Address	City	State	Zip
_____	_____	_____	_____
Home Phone Number	Work Phone Number	Cellular Telephone Number	
Number of Years at Current Address: _____	No. of years at current employer: _____		
_____	_____	_____	_____
Name of Employer	Address	City	

Job Title/Occupation: _____

Provide any other names you have been known by within the past 5 years: _____

Email: _____

Co-Lessee Name (Print Clearly)

_____	_____	_____	_____
Last Name	First	Initial	
_____	_____	_____	_____
Present Address	City	State	Zip
_____	_____	_____	_____
Home Phone Number	Work Phone Number	Cellular Phone Number	
Number of Years at Current Address: _____	No. of years at current employer: _____		
_____	_____	_____	_____
Name of Employer	Address	City	

Job Title/Occupation: _____

Provide any other names you have been known by within the past 5 years: _____

Email: _____



2. CHECKLIST OF ATTACHED DOCUMENTATION

It is your responsibility to provide documentation to be used to verify your eligibility. The instructions for each section of the BMR Eligibility Information Form describes the appropriate documentation that must be attached in order for it to be complete. The City will issue the Certificate of Eligibility to rent a Sunnyvale BMR unit after review of the documentation. Additional information may be requested.

On the following form, please indicate that the requested documentation is either not applicable (N/A) or is attached to the form:

Documentation	Attached ()	Not Applicable (N/A)
Section 3. CITIZENSHIP		
US Birth Certificate or Passport		
Naturalized Citizenship Certificate		
US Form I-551 or I-151		
US Form I-94		
Other		
Section 4. INCOME		
Signed tax returns		
Copies of Last 4 paychecks		
Business Income/Self employment – 2 years of tax returns or 1 year return and verification by CPA or bookkeeper		
Interest and Dividend Income: copies of 2 recent statements		
Retirement and Insurance: Verification		
Unemployment and disability Income: verification		
Alimony, Child Support and Gift Income: Spousal/Child Support: interlocutory decree		
Armed Forces Income: copies of last 4 paychecks or other verification		
Rental income: lease, deed, mortgage		
Other source: verification		
Section 5. ASSETS		
Checking Accounts: copies of 2 statements		
Savings Accounts: copies of 2 statements		
Mutual Fund/Money Market Fund: copies of 2 statements		
Certificates of Deposit: copies of 2 statements		
Stocks(including options): copy of certificates or proof of purchase		



and current statement plus documentation of current value (online, newspaper)		
Bonds, including savings bonds: copy of each		
Real estate property/mobile home: loan statement, letter from licensed broker or bank estimating market value		
Other		
Profit Sharing Plan, IRA, 401K, PERS, TSP or other retirement account: copies of 2 most recent statements and documentation stating penalties for withdrawal		
Life Insurance: copy of policy and 2 most recent statements		
Gift: Gift Letter		
Personal Loan: Loan Agreement		
Downpayment Assistance Loan from City or Other: Loan Agreement		
IDA Account Match: IDA Agreement and recent statement		
Other assets with value greater than \$5,000: appraisals, other verification		
Section 7. PRIORITY ON BMR WAIT LIST (see form attached to letter)		
Section 7. HOUSEHOLD INFORMATION		
Divorce decree of joint custody		
Pregnancy Test Confirmation		
Adoption Processing Papers		

3. CITIZENSHIP

Lessee is a: _____ U.S. Citizen _____ Resident Alien _____ Other _____
Alien Registration Number _____

Co- Lessee is a: _____ U.S. Citizen _____ Resident Alien _____ Other _____
Alien Registration Number _____

Attach appropriate documentation if necessary.

4. INCOME

Eligibility for the program is based solely on the total income that all members of the household anticipate receiving over the 12-month period beginning on the date the unit will be occupied. Please list all sources of income for each member of the household (18 years of age or older) from each income category listed below.



CATEGORY OF INCOME	Lessee		Co-Lessee	
	Last Year	This Year	Last Year	This Year
Wages, Salaries, Tips, etc.				
Business Income				
Interest & Dividend Income				
Retirement & Insurance Income				
Unemployment & Disability Income				
Welfare Assistance				
Alimony, Child Support & Gift Income				
Armed Forces Income				
Other				
TOTALS				

5. ASSETS

Please provide a list of your assets including the total cash value of those assets:

6. HOUSEHOLD COMPOSITION

Please provide the following information for each person who will reside in the unit:

Total Number of Household Members: _____

Total Household Income: _____



7. PREFERENCE POINTS

Please check all of the following that apply and provide the number of years if applicable. **DO NOT CHECK A PREFERENCE IF VERIFIABLE DOCUMENTATION IS NOT AVAILABLE.**

Check if Applies	Characteristic	Number of years and/or months	For Office Use
Preference due to Community Contributions:			
	Reside in Sunnyvale		
	Work in Sunnyvale:		
Preference due to Employment			
	City of Sunnyvale employee		
	School District employee working in schools with a majority of Sunnyvale residents		
	Certified child care teacher working at a licensed child care center in Sunnyvale or at a child care center operated by school district that serve Sunnyvale residents		
	Sunnyvale service occupation worker (an employee in a service occupation in a business engaged in providing personal services, rather than tangible objects in businesses, such as mechanics, car washer, wait person)		
	Sunnyvale health care worker (e.g. home health care aides, staff in convalescent homes and assisted living facilities)		
	Other non-City public service employee (e.g. Santa Clara County, Federal, & State)		
Preference due to Housing Characteristics			
	Resident of at-risk assisted unit (within 5 years of Affordability expiration)*		
	Resident of BMR rental unit		
	Current or former resident of a housing or mobile home park lost due to redevelopment or conversion *		
Preference due to Household Characteristics			
	Single parent household		
	Number of children under 12 (Please indicate number)		
	Chronically Ill Persons including those with HIV and mental illness		
	Disabled		
	Displaced teenage parents (or expectant teenage parents)		
	Homeless or at risk of becoming homeless		
	Seniors (over 55 years old)		
*To verify status contact the Housing Division @ 408-730-7456			



8. CERTIFICATIONS

(I/WE) UNDERSTAND THAT:

ANY AND ALL INFORMATION PROVIDED WILL BE USED TO DETERMINE ELIGIBILITY FOR SUBSTANTIAL PUBLIC BENEFITS AND ANY AND ALL INFORMATION CONTAINED IN THE RECORDS KEPT BY THE CITY CAN AND WILL BE USED FOR MONITORING, AUDITING AND ESTABLISHING ELIGIBILITY AND PRIORITY PREFERENCE FOR THE CITY OF SUNNYVALE'S BELOW MARKET RATE (BMR) RENTAL PROGRAM; OTHERWISE THIS INFORMATION IS CONFIDENTIAL.

I/WE ARE REQUIRED TO PROVIDE VERIFIABLE DOCUMENTATION TO SUPPORT THE STATEMENTS MADE HEREIN.

IF ANY OF STATEMENTS MADE ARE FALSE OR MISREPRESENTATIONS ON THIS CERTIFICATION FORM, I/WE WILL RELINQUISH ALL RIGHTS TO PARTICIPATE IN THE BMR RENTAL AND HOME OWNERSHIP PROGRAM.

(I/WE) CERTIFY THAT:

HAVE PROVIDED INFORMATION IN THIS "BMR RENTAL ELIGIBILITY INFORMATION" FORM THAT IS TRUE AND CORRECT.

THAT THE COMBINED HOUSEHOLD INCOME IS BELOW THE MAXIMUM HOUSEHOLD INCOME FOR MY HOUSEHOLD SIZE.

I/WE WILL OCCUPY THE BMR UNIT AS PRIMARY RESIDENCE.

I/WE MEET THE U.S. CITIZENSHIP OR LEGAL RESIDENCY REQUIREMENTS.

Executed the _____, day of 20 __, in the City of Sunnyvale California

Applicant _____

Co-Applicant _____

(Signatures of all persons over the age of 18 years listed in Item 1 are required.)

FILING FEE:

The application filing fee is attached in the following form:

Personal check _____ Cashier's check _____ Money order _____



**CITY OF SUNNYVALE BELOW MARKET RATE RENTAL PROGRAM
ELIGIBILITY INFORMATION FORM
INSTRUCTIONS**

1. Contact Information

2. Documentation Checklist

3. Citizenship or Legal Residency

Requirements

The BMR Rental Program requires that the primary applicant of a household wishing to rent a BMR unit be a United States citizen, national, or an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act. Given the very scarce resource of affordable BMR units, it is appropriate to limit the opportunity to those whose status indicates residency of a permanent nature.

Eligible applicants are either:

- a) natural-born or naturalized citizen of the United States of America
- b) eligible non-citizen admitted for permanent residence in the United States of America

Ineligible applicants specifically include, but are not limited to, the holder of a "J-1" student visa.

Documentation of Citizenship or Legal Residency:

The following are acceptable forms of documentation of U.S. citizenship or legal residency:

- A. Citizens: When an applicant indicates on the application that he/she is a natural-born citizen, the applicant must submit documentation to verify US citizenship, i.e. birth certificate or passport. A naturalized citizen must submit a copy of the citizenship certificate granted by the Bureau of US Citizenship and Immigration Services (USCIS) of the United States Department of Homeland Security.
- B. Eligible Non-Citizens: An eligible non-citizen must present any of the following USCIS documents:
 - a. Form I-551 – Alien Registration Receipt Card (for permanent resident aliens), or Form I-151, Alien Registration Receipt Card (for permanent resident aliens issued prior to 1979)
 - b. Form I-94 – Arrival-Departure Record, with one of the following annotations:
 - i. "Admitted as Refugee Pursuant to section 207"
 - ii. "Section "208" or "Asylum"
 - iii. "Section 243(h) or "Deportation stayed by Attorney General"
 - iv. "Paroled pursuant to Sec 212(d) (5) of the INA"
 - c. If Form I-94, Arrival-Departure Record, is not annotated, it should be accompanied by any of the following documents:
 - i. A final court decision, granting asylum (but only if no appeal is taken);
 - ii. A letter from an USCIS asylum officer granting asylum (if application filed on or after October 1, 1990);
 - iii. A court decision granting withholding of deportation; or
 - iv. A letter from a USCIS asylum officer granting withholding of deportation (if application on or after October 1, 1990).



- v. A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above-listed categories has been made and the applicant's entitlement to the document has been verified."

4. Income

Requirements

Maximum household incomes for the BMR Rental Program is as follows.

Below Market Rate (BMR) Rental Program Effective February 1, 2004	
Family Size	Income Limit (70% Area Median Income)
1 person	\$51,730
2 people	\$59,080
3 people	\$66,500
4 people	\$73,850
5 people	\$79,730
6 people	\$85,680
7 people	\$91,560
8 people	\$97,510

The definition of what is and is not included in annual income follows the current definition described in the U.S. Code of Federal Regulations and provided on the website of the U.S. Department of Housing and Urban Development at

<http://www.hud.gov/offices/cpd/affordablehousing/training/calculator/definitions/part5.cfm>

The following table presents the current Part 5 Annual Income inclusions as stated in the Code of Federal Regulations.

General Category	Statement from 24 CFR 5.609 paragraph (b) (April 1, 1998)
1. Income from wages, salaries, tips, etc.	The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
2. Business Income	Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness cannot be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
3. Interest & Dividend Income	Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in number 2 (above). Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.
4. Retirement & Insurance Income	The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment (except as provided in number 14 of Income Exclusions).
5. Unemployment & Disability Income	Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in number 3 of Income Exclusions).
6. Welfare Assistance	Welfare Assistance. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of: the amount of the allowance or grant exclusive of the amount specifically



	designated for shelter or utilities, plus the maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph is the amount resulting from one application of the percentage.
7. Alimony, Child Support, & Gift Income	Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
8. Armed Forces Income	All regular pay, special pay and allowances of a member of the Armed Forces (except as provided in number 7 of Income Exclusions).

Income Exclusions

This following table presents the current Part 5 Annual Income exclusions as stated in the Code of Federal Regulations.

General Category	Statement from 24 CFR 5.609 paragraph (c) (April 1, 1998)
1. Income of Children	Income from employment of children (including foster children) under the age of 18 years.
2. Foster Care Payments	Payments received for the care of foster children or foster adults (usually persons with disabilities unrelated to the tenant family, who are unable to live alone).
3. Inheritance and Insurance Income	Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in number 5 of Income Inclusions).
4. Medical Expense Reimbursements	Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
5. Income of Live-in Aides	Income of a live-in aide (as defined in 24 CFR 5.403).
6. Student Financial Aid	The full amount of student financial assistance paid directly to the student or to the educational institution.
7. "Hostile Fire" Pay	The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
8. Self-Sufficiency Program Income	<ul style="list-style-type: none"> f. Amounts received under training programs funded by HUD. g. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS). h. Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and that are made solely to allow participation in a specific program. i. Amounts received under a resident service stipend (as defined in 24 CFR 5.609(c)(8)(iv)). j. Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.
9. Gifts	Temporary, nonrecurring, or sporadic income (including gifts).
10. Reparation Payments	Reparation payments paid by a foreign government pursuant to claims under the laws of that government by persons who were persecuted during the Nazi era.
11. Income from Full-time Students	Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household or spouse).
12. Adoption Assistance Payments	Adoption assistance payments in excess of \$480 per adopted child.
13. Family Support Act Income	For public housing only, the earnings and benefits to any family member resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, section 22 of the 1937 Act (43 U.S.C. 1437t), or any comparable federal, state or local law during the exclusion period.
14. Social Security & SSI Income	Deferred periodic amounts from SSI and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts.
15. Property Tax	Amounts received by the family in the form of refunds or rebates under state or local law for property



Refunds	taxes paid on the dwelling unit.
16. Home Care Assistance	Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep this developmentally disabled family member at home.
17. Other Federal Exclusions	<p>Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions of 24 CFR 5.609(c) apply, including:</p> <ul style="list-style-type: none">▶ The value of the allotment made under the Food Stamp Act of 1977;▶ Payments received under the Domestic Volunteer Service Act of 1973 (employment through VISTA, Retired Senior Volunteer Program, Foster Grandparents Program, youthful offender incarceration alternatives, senior companions);▶ Payments received under the Alaskan Native Claims Settlement Act;▶ Payments from the disposal of funds of the Grand River Band of Ottawa Indians;▶ Payments from certain submarginal U.S. land held in trust for certain Indian tribes;▶ Payments, rebates or credits received under Federal Low-Income Home Energy Assistance Programs (includes any winter differentials given to the elderly);▶ Payments received under the Main Indian Claims Settlement Act of 1980 (Pub. L. 96-420, 92 Stat. 1785);▶ The first \$2,000 of per capita shares received from judgments awarded by the Indian Claims Commission or the Court of Claims or from funds the Secretary of Interior holds in trust for an Indian tribe;▶ Amounts of scholarships funded under Title IV of the Higher Education act of 1965, including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs, or veterans benefits;▶ Payments received under Title V of the Older Americans Act (Green Thumb, Senior Aides, Older American Community Service Employment Program);▶ Payments received after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);▶ Earned income tax credit;▶ The value of any child care provided or reimbursed under the Child Care and Development Block Grant Act of 1990; and▶ Payments received under programs funded in whole or in part under the Job Training Partnership Act (employment and training programs for native Americans and migrant and seasonal farm workers, Job Corps, veterans employment programs, State job training programs and career intern programs).



Documentation of Income:

Source of Income	Documentation
Wages, Salaries, Tips, Commissions, etc.	Copies of the last four paychecks or other verification of employment
Business income	Two prior years of tax returns or 1 year return and verification of income by a certified public accountant or bookkeeper including profit/loss statements and financial statement
Interest and dividend income	Copies of 2 recent statements
Retirement and Insurance Income	Verification
Unemployment & Disability Income	Verification
Welfare Assistance	Verification
Alimony, Child Support and Gift Income	Interlocutory decree which indicates specified payment or proof of non-payment (lien filed)
Armed Forces Income	Copies of the last four paychecks or other verification of employment

5. Assets

Requirements

An asset is a cash or non-cash item that can be converted to cash. The value of necessary items such as furniture and automobiles are not included. (Note: it is the income earned – e.g. interest on a saving's account – not the asset value, which is counted in annual income.) An asset's cash value is the market value less reasonable expenses required to convert the asset to cash, including: Penalties or fees for converting financial holdings and costs for selling real property. The cash value (rather than the market value) of an item is counted as an asset.

The definition of what is and is not included in Assets follows the current definition described in the U.S. Code of Federal Regulations and provided on the website of the U.S. Department of Housing and Urban Development at

<http://www.hud.gov/offices/cpd/affordablehousing/training/calculator/definitions/treatment/inclusions.cfm>

The following table presents the current Part 5 Asset inclusions and exclusions as stated in the Code of Federal Regulations. [24 CFR Part 5 - April 1, 1998]

PART 5 ANNUAL INCOME NET FAMILY ASSET INCLUSIONS AND EXCLUSIONS

Inclusions

1. Cash held in savings accounts, checking accounts, safe deposit boxes, homes, etc. For savings accounts, use the current balance. For checking accounts, use the average 6-month balance.
2. Cash value of revocable trusts available to the applicant.



3. Equity in rental property or other capital investments. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and all reasonable costs (e.g., broker fees) that would be incurred in selling the asset. Cash value of stocks (including options), bonds, Treasury bills, certificates of deposit and money market accounts.
 4. Individual retirement and Keogh accounts (even though withdrawal would result in a penalty).
 5. Retirement and pension funds.
 6. Cash value of life insurance policies available to the individual before death (e.g., surrender value of a whole life or universal life policy).
 7. Personal property held as an investment such as gems, jewelry, coin collections, antique cars, etc.
 8. Lump sum or one-time receipts, such as inheritances, capital gains, lottery winnings, victim's restitution, insurance settlements and other amounts not intended as periodic payments.
 9. Mortgages or deeds of trust held by an applicant.
-
1. Necessary personal property, except as noted in number 7 of Inclusions, such as clothing, furniture, cars and vehicles specially equipped for persons with disabilities.
 2. Interest in Indian trust lands.
 3. Assets not effectively owned by the applicant. That is, when assets are held in an individual's name, but the assets and any income they earn accrue to the benefit of someone else who is not a member of the household and that other person is responsible for income taxes incurred on income generated by the asset.
 4. Equity in cooperatives in which the family lives.
 5. Assets not accessible to and that provide no income for the applicant.
 6. Term life insurance policies (i.e., where there is no cash value).
 7. Assets that are part of an active business. "Business" does not include rental of properties that are held as an investment and not a main occupation.

Documentation of Assets

The assets of all household members are considered when determining eligibility. All assets over \$5,000 are included in the eligible determination. The following is the types of assets to

Liquid Cash Asset			Documentation
Checking Account,	Savings Account,	Mutual	Copies of two most recent statements indicating deposits, interest rates,



Fund/Money Market Fund, Certificates of Deposit	and balances.
Stocks, including Options	Copy of each stock or option certificate or proof of purchase and statement of current value ; for stock prices attach a copy of recent dated newspaper or online source that shows the value of each company's stocks
Bonds, including Savings Bonds	Copies of each and value.
Real estate property/mobile home owner	Letter from a licensed broker or bank estimating market value of property; most recent loan statement indicating amounts paid and amounts owed, or other documentation as requested.

Other Cash Asset	Documentation
Profit Sharing Plan, IRA and/or 401K, PERS or Other Retirement Account	Copies of two most recent statements indicating deposits, interest rates; documentation stating penalties for withdrawal
Life Insurance	Copy of Policy and two most recent statements
Gift	Gift Letter
Personal Loan	Letter or loan agreement.
Downpayment Assistance Loan from City or Other	Copy of agreement
Individual Development Account Match	Copy of two most recent statements
Other	Verification

6. Household Composition

Requirements

A household is comprised of one or more persons who may or may not be related. Every adult who signs the lease of a BMR unit must live in the unit, must be eligible, must go through every step of the eligibility process, and must agree to comply with the program requirements. A child will be considered part of the household when the child lives with a single parent for at least 75% of the time or in instances of joint custody, at least 50%.

7. Priority Preferences

Documentation of Preferences

Applicant(s) must submit verifiable documentation to support preferences. The following are examples of the preference characteristics and the type of documentation that the city will consider as verifiable proof.

Characteristic	Documentation
Reside in Sunnyvale/number of years	Copies of current and past leases, residential telephone bills for land line at home address, signed tax returns; if no lease agreement is available, a written statement from the landlord or property manager indicating length of time at that address
Work in Sunnyvale/number of years	Copies of paycheck(s), IRS W-2s or 1099 forms, Employment verification statement(s) from Human Resources
City of Sunnyvale employee/number of years	Copy of Paycheck; statement from Human Resources re tenure
School District employee working in schools with a majority of Sunnyvale residents	Copy of Paycheck, W-2s from past years and letter from employer
Certified child care teachers working at licensed child care center in Sunnyvale or at child care center operated by school district	Copy of Paycheck, W-2s from past years and letter from employer



Sunnyvale service occupation worker (an employee in a service occupation in a business engaged in providing personal services, rather than tangible objects, such as mechanics, car washer, wait person)	Copy of Paycheck and letter from employer
Sunnyvale health care worker (e.g. home health care aides, staff in convalescent homes and assisted living facilities)	Copy of Paycheck and letter from employer
Resident of at-risk assisted unit (within 5 years of Affordability expiration)	List of affected Sunnyvale properties in Appendix O-12; Proof of residency
Resident of BMR rental unit	Statement from Rental Property Manager
Resident of housing project or mobile home park lost due to redevelopment or conversion	Proof of residency in an affected site
Single parent households	Signed tax return
Number of children under 12	Birth certificates of children; custody decree from divorce if applicant is divorced
Chronically Ill Persons including those with HIV and mental illness	Letter from physician in specialty of type of illness claimed; evidence of SSI
Disabled	Federal/State ID card, evidence of SSI
Displaced teenage parents (or expectant teenage parents)	Medical proof of pregnancy
Homeless or at risk of becoming homeless	Documentation from homeless services agency
Seniors (over 55 years old)	Birth certificate, driver's license, passport

In the case of co-applicants, priority points for number of years are assigned according to the maximum points from one applicant or the other, not in total or a combined average. For example, if one applicant had lived in Sunnyvale for six years and the other applicant for four years, priority points would be assigned for six years, not for ten years (the total) and not for five years (their average).



Form R-4

**CITY OF SUNNYVALE BELOW MARKET RATE RENTAL PROGRAM
ANNUAL RE-CERTIFICATION OF ELIGIBILITY FOR WAIT LIST**

1. LESSEE(S) CONTACT INFORMATION

Lessee Name (Print Clearly)

_____ Last Name	_____ First Name	_____ Initial	
_____ Present Address	_____ City	_____ State	_____ Zip
_____ Home Phone Number	_____ Work Phone Number	_____ Cellular Telephone Number	
Number of Years at Current Address: _____		No. of years at current employer: _____	
_____ Name of Employer	_____ Address	_____ City	
Job title/Occupation: _____			
Provide any other names you have been known by within the past 5 years: _____			

Email: _____			

Co-Lessee Name (Print Clearly)

_____ Last Name	_____ First	_____ Initial	
_____ Present Address	_____ City	_____ State	_____ Zip
_____ Home Phone Number	_____ Work Phone Number	_____ Cellular Phone Number	
Number of Years at Current Address: _____		No. of years at current employer: _____	
_____ Name of Employer	_____ Address	_____ City	
Job Title/Occupation: _____			
Provide any other names you have been known by within the past 5 years: _____			

Email: _____			



2. HOUSEHOLD COMPOSITION AND INCOME

Total Household Members: _____

Total Household Income: _____

Please list all sources of income for each member of the household (18 years of age or older) from each income category listed below.

CATEGORY OF INCOME	Lessee		Co-Lessee	
	Last Year	This Year	Last Year	This Year
Wages, Salaries, Tips, etc.				
Business Income				
Interest & Dividend Income				
Retirement & Insurance Income				
Unemployment & Disability Income				
Welfare Assistance				
Alimony, Child Support & Gift Income				
Armed Forces Income				
Other				
TOTALS				

List all Assets on an attached sheet of paper, according to the categories described in the instructions.

Documentation	Attached	Not Applicable (N/A)
INCOME		
Signed tax returns		
Copies of Last 4 paychecks		
Business Income/Self employment –tax return or verification by CPA or bookkeeper		
Interest and Dividend Income: copies of 2 recent statements		
Retirement and Insurance: Verification		



Unemployment and disability Income: verification		
Alimony, Child Support and Gift Income: Spousal/Child Support: interlocutory decree		
Armed Forces Income: copies of last 4 paychecks or other verification		
Rental income: lease, deed, mortgage		
Other source: verification		
Section 5. ASSETS		
Checking Accounts: copies of 2 statements		
Savings Accounts: copies of 2 statements		
Mutual Fund/Money Market Fund: copies of 2 statements		
Certificates of Deposit: copies of 2 statements		
Stocks(including options): copy of certificates or proof of purchase and current statement plus documentation of current value (online, newspaper)		
Bonds, including savings bonds: copy of each		
Real estate property/mobile home: loan statement, letter from licensed broker or bank estimating market value		
Other		
Profit Sharing Plan, IRA, 401K, PERS, TSP or other retirement account: copies of 2 most recent statements and documentation stating penalties for withdrawal		
Life Insurance: copy of policy and 2 most recent statements		
Gift: Gift Letter		
Personal Loan: Loan Agreement		
Downpayment Assistance Loan from City or Other: Loan Agreement		
IDA Account Match: IDA Agreement and recent statement		
Other assets with value greater than \$5,000: appraisals, other verification		



3. VERIFICATIONS

(I/WE) UNDERSTAND THAT:

ANY AND ALL INFORMATION PROVIDED WILL BE USED TO DETERMINE ELIGIBILITY FOR SUBSTANTIAL PUBLIC BENEFITS AND ANY AND ALL INFORMATION CONTAINED IN THE RECORDS KEPT BY THE CITY CAN AND WILL BE USED FOR MONITORING, AUDITING AND ESTABLISHING ELIGIBILITY AND PRIORITY PREFERENCE FOR THE CITY OF SUNNYVALE'S BELOW MARKET RATE (BMR) RENTAL PROGRAM; OTHERWISE THIS INFORMATION IS CONFIDENTIAL.

IF ANY OF THESE ARE FALSE STATEMENTS OR MISREPRESENTATIONS ON THIS CERTIFICATION FORM, I/WE WILL RELINQUISH ALL RIGHTS TO PARTICIPATE IN THE BMR RENTAL PROGRAM.

(I/WE) CERTIFY THAT:

THE INFORMATION IN THIS "BMR RENTAL ELIGIBILITY INFORMATION" FORM IS TRUE AND CORRECT

I/WE HAVE ATTACHED VERIFIABLE DOCUMENTATION TO SUPPORT THE STATEMENTS MADE HEREIN.

THAT THE COMBINED HOUSEHOLD INCOME IS BELOW THE MAXIMUM HOUSEHOLD INCOME FOR MY HOUSEHOLD SIZE.

I/WE WILL OCCUPY THE BMR UNIT AS PRIMARY RESIDENCE.

I/WE MEET THE U.S. CITIZENSHIP OR LEGAL RESIDENCY REQUIREMENTS.

Executed the _____, day of 20 __, in the City of Sunnyvale California

Lessee _____ Co-Lessee _____



**CITY OF SUNNYVALE BELOW MARKET RATE RENTAL PROGRAM
INSTRUCTIONS FOR ANNUAL RE-CERTIFICATION OF ELIGIBILITY**

2. Income

Requirements

Maximum household incomes for the BMR Rental Program is as follows.

Below Market Rate (BMR) Rental Program Effective February 1, 2004	
Family Size	Income Limit (70% Area Median Income)
1 person	\$51,730
2 people	\$59,080
3 people	\$66,500
4 people	\$73,850
5 people	\$79,730
6 people	\$85,680
7 people	\$91,560
8 people	\$97,510

The definition of what is and is not included in annual income follows the current definition described in the U.S. Code of Federal Regulations and provided on the website of the U.S. Department of Housing and Urban Development at

<http://www.hud.gov/offices/cpd/affordablehousing/training/calculator/definitions/part5.cfm>

The following table presents the current Part 5 Annual Income inclusions as stated in the Code of Federal Regulations.

General Category	Statement from 24 CFR 5.609 paragraph (b) (April 1, 1998)
1. Income from wages, salaries, tips, etc.	The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.
2. Business Income	Net income from the operation of a business or profession. Expenditures for business expansion or amortization of capital indebtedness cannot be used as deductions in determining net income. An allowance for depreciation of assets used in a business or profession may be deducted, based on straight-line depreciation, as provided in Internal Revenue Service regulations. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family.
3. Interest & Dividend Income	Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for depreciation is permitted only as authorized in number 2 (above). Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD.
4. Retirement & Insurance Income	The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts, including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic payment (except as provided in number 14 of Income Exclusions).
5. Unemployment & Disability Income	Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay (except as provided in number 3 of Income Exclusions).
6. Welfare Assistance	Welfare Assistance. If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with



	the actual cost of shelter and utilities; the amount of welfare assistance income to be included as income shall consist of: the amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus the maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph is the amount resulting from one application of the percentage.
7. Alimony, Child Support, & Gift Income	Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from organizations or from persons not residing in the dwelling.
8. Armed Forces Income	All regular pay, special pay, and allowances of a member of the Armed Forces (except as provided in number 7 of Income Exclusions).

Income Exclusions

This following table presents the current Part 5 Annual Income exclusions as stated in the Code of Federal Regulations.

General Category	Statement from 24 CFR 5.609 paragraph (c) (April 1, 1998)
1. Income of Children	Income from employment of children (including foster children) under the age of 18 years.
2. Foster Care Payments	Payments received for the care of foster children or foster adults (usually persons with disabilities, unrelated to the tenant family, who are unable to live alone).
3. Inheritance and Insurance Income	Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses (except as provided in number 5 of Income Inclusions).
4. Medical Expense Reimbursements	Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member.
5. Income of Live-in Aides	Income of a live-in aide (as defined in 24 CFR 5.403).
6. Student Financial Aid	The full amount of student financial assistance paid directly to the student or to the educational institution.
7. "Hostile Fire" Pay	The special pay to a family member serving in the Armed Forces who is exposed to hostile fire.
8. Self-Sufficiency Program Income	<ul style="list-style-type: none"> k. Amounts received under training programs funded by HUD. l. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS). m. Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, childcare, etc.) and that are made solely to allow participation in a specific program. n. Amounts received under a resident service stipend (as defined in 24 CFR 5.609(c)(8)(iv)). o. Incremental earnings and benefits resulting to any family member from participation in qualifying state or local employment training programs (including training not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program.
9. Gifts	Temporary, nonrecurring, or sporadic income (including gifts).
10. Reparation Payments	Reparation payments paid by a foreign government pursuant to claims under the laws of that government by persons who were persecuted during the Nazi era.
11. Income from Full-time Students	Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household or spouse).
12. Adoption Assistance Payments	Adoption assistance payments in excess of \$480 per adopted child.
13. Family Support Act Income	For public housing only, the earnings and benefits to any family member resulting from the participation in a program providing employment training and supportive services in accordance with the Family Support Act of 1988, section 22 of the 1937 Act (43 U.S.C. 1437t), or any comparable federal, state or local law during the exclusion period.
14. Social Security & SSI Income	Deferred periodic amounts from SSI and Social Security benefits that are received in a lump sum amount or in prospective monthly amounts.



15. Property Tax Refunds	Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit.
16. Home Care Assistance	Amounts paid by a state agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep this developmentally disabled family member at home.
17. Other Federal Exclusions	<p>Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions of 24 CFR 5.609(c) apply, including:</p> <ul style="list-style-type: none">▶ The value of the allotment made under the Food Stamp Act of 1977;▶ Payments received under the Domestic Volunteer Service Act of 1973 (employment through VISTA, Retired Senior Volunteer Program, Foster Grandparents Program, youthful offender incarceration alternatives, senior companions);▶ Payments received under the Alaskan Native Claims Settlement Act;▶ Payments from the disposal of funds of the Grand River Band of Ottawa Indians;▶ Payments from certain submarginal U.S. land held in trust for certain Indian tribes;▶ Payments, rebates or credits received under Federal Low-Income Home Energy Assistance Programs (includes any winter differentials given to the elderly);▶ Payments received under the Main Indian Claims Settlement Act of 1980 (Pub. L. 96-420, 92 Stat. 1785);▶ The first \$2,000 of per capita shares received from judgments awarded by the Indian Claims Commission or the Court of Claims or from funds the Secretary of Interior holds in trust for an Indian tribe;▶ Amounts of scholarships funded under Title IV of the Higher Education act of 1965, including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs, or veterans benefits;▶ Payments received under Title V of the Older Americans Act (Green Thumb, Senior Aides, Older American Community Service Employment Program);▶ Payments received after January 1, 1989, from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In Re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.);▶ Earned income tax credit;▶ The value of any child care provided or reimbursed under the Child Care and Development Block Grant Act of 1990; and▶ Payments received under programs funded in whole or in part under the Job Training Partnership Act (employment and training programs for native Americans and migrant and seasonal farm workers, Job Corps, veterans employment programs, State job training programs and career intern programs).



Documentation of Income:

Source of Income	Documentation
Wages, Salaries, Tips, Commissions, etc.	Copies of the last four paychecks or other verification of employment
Business income	Two prior years of tax returns or 1 year return and verification of income by a certified public accountant or bookkeeper including profit/loss statements and financial statement
Interest and dividend income	Copies of 2 recent statements
Retirement and Insurance Income	Verification
Unemployment & Disability Income	Verification
Welfare Assistance	Verification
Alimony, Child Support and Gift Income	Interlocutory decree which indicates specified payment or proof of non-payment (lien filed)
Armed Forces Income	Copies of the last four paychecks or other verification of employment

Assets

Requirements

An asset is a cash or non-cash item that can be converted to cash. The value of necessary items such as furniture and automobiles are not included. (Note: it is the income earned – e.g. interest on a saving's account – not the asset value, which is counted in annual income.) An asset's cash value is the market value less reasonable expenses required to convert the asset to cash, including: Penalties or fees for converting financial holdings and costs for selling real property. The cash value (rather than the market value) of an item is counted as an asset.

The definition of what is and is not included in Assets follows the current definition described in the U.S. Code of Federal Regulations and provided on the website of the U.S. Department of Housing and Urban Development at

<http://www.hud.gov/offices/cpd/affordablehousing/training/calculator/definitions/treatment/inclusions.cfm>

The following table presents the current Part 5 Asset inclusions and exclusions as stated in the Code of Federal Regulations. [24 CFR Part 5 - April 1, 1998]

PART 5 ANNUAL INCOME NET FAMILY ASSET INCLUSIONS AND EXCLUSIONS

Inclusions

1. Cash held in savings accounts, checking accounts, safe deposit boxes, homes, etc. For savings accounts, use the current balance. For checking accounts, use the average 6-month balance.
2. Cash value of revocable trusts available to the applicant.
3. Equity in rental property or other capital investments. Equity is the estimated current market value of the asset less the unpaid balance on all loans secured by the asset and all reasonable



costs (e.g., broker fees) that would be incurred in selling the asset. Cash value of stocks (including options), bonds, Treasury bills, certificates of deposit and money market accounts.

4. Individual retirement and Keogh accounts (even though withdrawal would result in a penalty).
5. Retirement and pension funds.
6. Cash value of life insurance policies available to the individual before death (e.g., surrender value of a whole life or universal life policy).
7. Personal property held as an investment such as gems, jewelry, coin and button collections, antique cars, etc.
8. Lump sum or one-time receipts, such as inheritances, capital gains, lottery winnings, victim's restitution, insurance settlements and other amounts not intended as periodic payments.
9. Mortgages or deeds of trust held by an applicant.

Exclusions

1. Necessary personal property, except as noted in number 7 of Inclusions, such as clothing, furniture, cars and vehicles specially equipped for persons with disabilities.
2. Interest in Indian trust lands.
3. Assets not effectively owned by the applicant. That is, when assets are held in an individual's name, but the assets and any income they earn accrue to the benefit of someone else who is not a member of the household and that other person is responsible for income taxes incurred on income generated by the asset.
4. Equity in cooperatives in which the family lives.
5. Assets not accessible to and that provide no income for the applicant.
6. Term life insurance policies (i.e., where there is no cash value).
7. Assets that are part of an active business. "Business" does not include rental of properties that are held as an investment and not a main occupation.



Documentation of Assets

The assets of all household members are considered when determining eligibility. All assets over \$5,000 are included in the eligible determination. The following is the types of assets:

Liquid Cash Asset	Documentation
Checking Account, Savings Account, Mutual Fund/Money Market Fund, Certificates of Deposit	Copies of two most recent statements indicating deposits, interest rates and balances.
Stocks, including Options	Copy of each stock or option certificate or proof of purchase and statement of current value; for stock prices attach a copy of recent dated newspaper or online source that shows the value of each company's stocks.
Bonds, including Savings Bonds	Copies of each and value.
Real estate property/mobile home owner	Letter from a licensed broker or bank estimating market value of property; most recent loan statement indicating amounts paid and amounts owed, or other documentation as requested.

Other Cash Asset	Documentation
Profit Sharing Plan, IRA and/or 401K, PERS or Other Retirement Account	Copies of two most recent statements indicating deposits, interest rates; documentation stating penalties for withdrawal
Life Insurance	Copy of Policy and two most recent statements
Gift	Gift Letter
Personal Loan	Letter or loan agreement.
Downpayment Assistance Loan from City or Other	Copy of agreement
Individual Development Account Match	Copy of two most recent statements
Other	Verification



FORM R-5

**CITY OF SUNNYVALE BELOW MARKET RATE (BMR) HOUSING PROGRAM
ADDENDUM TO BMR LEASE**

Property Name: _____

In accordance with the City of Sunnyvale Administrative Procedures of the Below Market Rate Housing Program, this addendum is an attachment to the Lease Agreement dated _____

Between _____
(lessor)

and _____ for the unit
(lessee)

designated as _____,
(Include full address) (Unit number)

LEASE RESTRICTIONS

Notwithstanding any other provisions of this lease, the following shall apply:

1. The term of this lease shall be from _____ to _____.
(A minimum of twelve months). The lease may be terminated by the lessee with 30 days notice to manager without penalty, should the BMR tenant is relocating in order to purchase a home through the City's Below Market Rate Home Ownership Program.
2. The unit must be continuously occupied by the tenant(s) signing this lease addendum as their domicile. The tenant(s) shall annually provide the property owner/manager with an affidavit, on a form provided by the property owner/manager, that tenant continues to occupy the unit on a full time continuous basis as their domicile. Failure to provide such an affidavit within thirty (30) days of a written request for such affidavit from the owner shall cause this lease to automatically terminate, and the tenant(s) must thereupon vacate the unit within thirty (30) days of a written notice from property owner/manager unless tenant is notified in writing by property owner/manager that Section 5 of this addendum shall apply.
3. Tenant shall annually, prior to renewal of this lease, recertify the income of all members of the household and verify under penalty of perjury under the laws of the State of California that the household continues to meet the income and other eligibility criteria for occupancy of a BMR rental unit. In the event that the tenant's household no longer meets the eligibility criteria for occupancy of a BMR rental unit, as a result of increased income or other factor, then, at the end of the lease term, the tenant must vacate this unit, unless tenant is notified in writing by property owner/manager that Section 5 of this addendum shall apply.



4. The unit may not be subleased and new lessees may not be added to the lease. If the initial certified BMR occupants and lessees fail to occupy the unit, new tenants cannot be substituted. If a lessee fails to occupy the unit for a period in excess of sixty (60) days, this lease shall automatically terminate, become null and void and all other occupants must vacate the unit within thirty (30) days written notice from the property owner/manager unless tenant is notified in writing by property owner/manager that Section 5 of this addendum shall apply.
5. If the tenant fails to comply with Sections 2, 3, or 4 above, the property owner/manager may immediately designate another comparable unit as a BMR unit to be leased under the controlled rental price and requirements of the BMR program. If a comparable unit is designated, then the tenant need not vacate this unit, but may continue to lease this unit at the current market rent. As of the date below, the market rent of a comparable unit is \$ _____ per month; this may increase or decrease in the future.

Lessee

Date

Co-Lessee

Date

Property Manager's Signature

Date

Property Manager's Printed Name

**FORM R-6****CITY OF SUNNYVALE BELOW MARKET RATE HOUSING PROGRAM
BMR RENTER ANNUAL CERTIFICATION OF OCCUPANCY AND INCOME**

The undersigned,	
	Names of Lessees
hereby certify that I/we lease and occupy the Below Market Rate rental unit located at:	
Complete Address and Apartment/Unit #	

The BMR Unit is **my/our** principal residence and that **I/we** have occupied the BMR unit on this basis continuously.

Household income falls at or below maximum gross allowable household income and that we have submitted accurate documentation of income, and a completed Eligibility Form (R-11) has been submitted to the management office of the complex in the required documentation.

Lessee	Date
Print Name	Phone
Co-Lessee	Date
Print Name	Phone

NOTE: All those named on the lease must sign. Add more lines if needed)

JURAT							
STATE OF)					
COUNTY OF)	ss.				
Subscribed and sworn to (or affirmed) before me this				day of			by
				Date	Month	Year	
Name of Signer(s)				Name of Signer(s)			
				Signature of Notary Public			
(Notary Seal)		My Commission Expires					

Signature of Notary Public1



FORM R-7

**CITY OF SUNNYVALE BELOW MARKET RATE HOUSING PROGRAM
RENTAL PROPERTY OWNER'S AND/OR MANAGING AGENT CERTIFICATION OF
RECEIPT OF BMR ADMINISTRATIVE PROCEDURES**

The undersigned received a copy of the Administrative Procedures for the City of Sunnyvale Below Market Rate Housing Program. Further, the undersigned understand that BMR Administrative Procedures require compliance with the requirements described in the Procedures.

Development Name and Site Address:

Signature of Property Owner

Printed Name

Date

Signature of Co-Owner

Printed Name

Date

Signature of Property Manager or Owner's Managing Agent

Printed Name

Date



FORM R-8

**CITY OF SUNNYVALE BELOW MARKET RATE HOUSING PROGRAM
CERTIFICATION OF BMR WAIT LIST ADMINISTRATION
BY BMR RENTAL PROPERTY OWNER**

To: City of Sunnyvale Housing Division
Attn: BMR Program Administration
456 West Olive Avenue
Sunnyvale, CA 94088

Re: Property Name: _____
Property Address: _____

The Owner hereby certifies the following under penalty of perjury under the laws of the State of California:

The information contained in the attached BMR Rental Property Annual Certification of BMR Wait List Administration is true, accurate and correct as of the date hereof, and that the attached list of wait list applicants meet the eligibility criteria established by the City of Sunnyvale. The management of the wait list is in accordance with priority preference points established in the City's BMR Resident Selection Plan.

In Witness Whereof, the undersigned has signed this Report as of _____, 20__.

Name of Ownership Entity: _____

By: _____
(Signature)

(Name and Title)

(City)

Attachment: Current Wait List



FORM R-9

**CITY OF SUNNYVALE BELOW MARKET RATE HOUSING PROGRAM
BMR RENTAL PROPERTY OWNER ANNUAL CERTIFICATION**

To: City of Sunnyvale Housing Division
Attn: BMR Program Administration
456 West Olive Avenue
Sunnyvale, CA 94088

Re: Property Name: _____
Property Address: _____

The Owner hereby certifies the following under penalty of perjury under the laws of the State of California:

The information contained in the attached BMR Rental Property Annual Certification is true, accurate and correct as of the date hereof. The tenants who lease BMR rent units meet the eligibility criteria established by the City of Sunnyvale.

In Witness Whereof, the undersigned has signed this Report as of _____, 20__.

Name of Ownership Entity: _____

By: _____
(Signature)

(Name and Title)

(City)

CITY OF SUNNYVALE
BELOW MARKET RATE - RENTAL HOUSING PROGRAM
PROPERTY OWNER ANNUAL REPORT

Owner: _____ Date: _____

Property Name: _____

Property Address: _____

Property Manager: _____

[illegible]

[illegible]

FORM R-11**CITY OF SUNNYVALE BELOW MARKET RATE RENTAL PROGRAM
RE-CERTIFICATION OF BMR TENANTS**

The information provided on this form will be utilized to determine your eligibility for a Below Market Rate rental unit. Please provide all of the information and documentation requested. Failure to provide the full information, or to provide false information, may result in denial of eligibility.

1. CONTACT INFORMATION AND EMPLOYER**BMR Lessee (Print Clearly)**

_____ Last Name	_____ First Name	_____ Initial	
_____ Present Address	_____ City	_____ State	_____ Zip
_____ Home Phone Number	_____ Work Phone Number	_____ Cellular Telephone Number	
Number of Years at Current Address: _____		No. of years at current employer: _____	
_____ Name of Employer	_____ Address	_____ City	
Job Title/Occupation: _____			
Provide any other names you have been known by within the past 5 years: _____			
_____ _____			
Email: _____			

Co-Lessee (Print Clearly)

_____ Last Name	_____ First	_____ Initial	
_____ Present Address	_____ City	_____ State	_____ Zip
_____ Home Phone Number	_____ Work Phone Number	_____ Cellular Phone Number	
Number of Years at Current Address: _____		No. of years at current employer: _____	
_____ Name of Employer	_____ Address	_____ City	
Job Title/Occupation: _____			
Provide any other names you have been known by within the past 5 years: _____			
_____ _____			
Email: _____			

2. CHECKLIST OF ATTACHED DOCUMENTATION

It is your responsibility to provide documentation to be used to verify your eligibility. The instructions for each section of the BMR Re-Certification of BMR Tenants Form describe the appropriate documentation that must be attached in order for it to be complete. Please note additional information may be requested.

On the following form, please indicate that the requested documentation is either not applicable (N/A) or is attached to the form:

Section 1. INCOME	Lessee	Co-Lessee
Documentation	Attached ()	Not Applicable (N/A)
Signed Tax Returns		
Copies of Last 4 paychecks		
Business Income/Self employment – 2 years of tax returns or 1 year of verification by CPA or bookkeeper		
Interest and Dividend Income: copies of 2 recent statements		
Retirement and Insurance: Verification		
Unemployment and disability Income: verification		
Alimony, Child Support and Gift Income: Spousal/Child Support: interlocutory decree		
Armed Forces Income: copies of last 4 paychecks or other verification		
Rental income: lease, deed, mortgage		
Other source: Verification		

3. INCOME

Eligibility for the program is based solely on the total income that all members of the household anticipate receiving over the 12-month period beginning on the date the unit will be occupied. Please list all sources of income for each member of the household (18 years of age or older) from each income category listed below.

CATEGORY OF INCOME	Lessee		Co-Lessee	
	Last Year	This Year	Last Year	This Year
Wages, Salaries, Tips, etc.				
Business Income				
Interest & Dividend Income				
Retirement & Insurance Income				
Unemployment & Disability Income				
Welfare Assistance				
Alimony, Child Support & Gift Income				
Armed Forces Income				
Other				
TOTALS				

4. HOUSEHOLD COMPOSITION

Please provide the following information for each person who will reside in the unit:

Total Number of Household Members: _____

Total Household Income: _____

5. CERTIFICATIONS

(I/WE) UNDERSTAND THAT:

_____ ANY AND ALL INFORMATION PROVIDED WILL BE USED TO DETERMINE ELIGIBILITY FOR SUBSTANTIAL PUBLIC BENEFITS AND ANY AND ALL INFORMATION CONTAINED IN THE RECORDS KEPT BY THE CITY

CAN AND WILL BE USED FOR MONITORING, AUDITING AND ESTABLISHING ELIGIBILITY AND PRIORITY PREFERENCE FOR THE CITY OF SUNNYVALE'S BELOW MARKET RATE (BMR) RENTAL PROGRAM; OTHERWISE THIS INFORMATION IS CONFIDENTIAL.

I/WE ARE REQUIRED TO PROVIDE VERIFIABLE DOCUMENTATION TO SUPPORT THE STATEMENTS MADE HEREIN.

IF ANY OF THE STATEMENTS MADE ARE FALSE OR MISREPRESENTATIONS ON THIS CERTIFICATION FORM, I/WE WILL RELINQUISH ALL RIGHTS TO PARTICIPATE IN THE BMR RENTAL AND HOME OWNERSHIP PROGRAM.

(I/WE) CERTIFY THAT:

HAVE PROVIDED INFORMATION IN THIS "BMR RENTAL ELIGIBILITY INFORMATION" FORM THAT IS TRUE AND CORRECT.

THAT THE COMBINED HOUSEHOLD INCOME IS BELOW THE MAXIMUM HOUSEHOLD INCOME FOR MY HOUSEHOLD SIZE.

I/WE WILL OCCUPY THE BMR UNIT AS PRIMARY RESIDENCE.

I/WE MEET THE U.S. CITIZENSHIP OR LEGAL RESIDENCY REQUIREMENTS.

Executed the _____, day of 20 __, in the City of Sunnyvale, California

Applicant

Co-Applicant

(Signatures of all persons over the age of 18 years listed in Item 1 are required.)